

ACTION EUR-00

INFO	LOG-00	EEB-00	AID-00	A-00	ACQ-00	CCO-00	CG-00
	COME-00	CTME-00	DODE-00	DOEE-00	DOT-00	DS-00	FAAE-00
	FBIE-00	VCI-00	TEDE-00	INR-00	INSE-00	L-00	CAC-00
	M-00	VCIE-00	NRC-00	NSAE-00	ISN-00	OCS-00	OMB-00
	PA-00	PM-00	PRS-00	P-00	SCT-00	ISNE-00	SP-00
	SS-00	TRSE-00	T-00	USSS-00	IIP-00	PMB-00	DSCC-00
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CIA WASHINGTON DC IMMEDIATE

NSC WASHDC IMMEDIATE

INFO USDAO LONDON UK IMMEDIATE

HQ USPACOM HONOLULU HI IMMEDIATE

NAVSUPFAC DIEGO GARCIA IMMEDIATE

RELEASED IN PART
B1, 1.4(B), 1.4(D)

C O N F I D E N T I A L LONDON 000539

STATE FOR L, PM/ISO, EUR/WE, S/WCI

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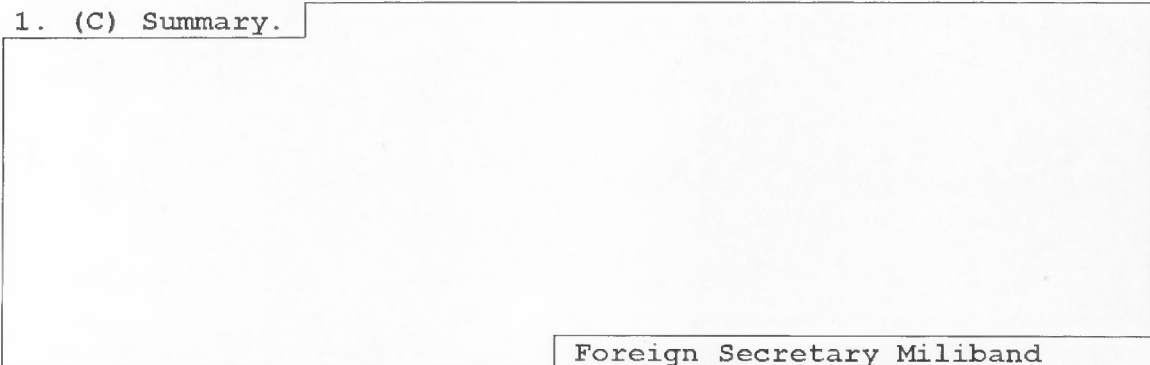
TAGS: PREL, MOPS, MARR, PGOV, PTER, UK

SUBJECT: MILIBAND GOES TO THE PARLIAMENT TO CLEAR THE AIR
ON DIEGO GARCIA RENDITIONS

Classified By: Deputy Chief of Mission Richard LeBaron for reasons 1.4
(B) and (D).

1. (C) Summary.

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Foreign Secretary Miliband delivered a statement on the floor of the Commons at approximately 1:15 GMT February 21 before a sparsely attended session and afterward endured 45 minutes of tough questions from MPs of all parties, including his own Labour Party. Most of the questions focused on what concrete steps the U.S. and UK Governments will take to ensure similar misstatements

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do not happen again. The Tory Shadow Foreign Minister William Hague, although he delivered a restrained response to Miliband and praised U.S. efforts to fight international terror, also told the Commons that the "delay in releasing this information" was "bound to undermine public trust in the arrangements we have with the U.S." Former Liberal Democratic Leader Menzies Campbell said the incident called into question "U.S. assurances about the use of other UK airports," including Preswick in Scotland. Several hours after Miliband's statement, FCO Minister Mark Malloch-Brown delivered the same statement in the House of Lords, a delay that reflects the lesser importance of the Lords in the UK political landscape. In response to questions, Malloch-Brown

[redacted] telling the Lords that the HMG's approach on the rendition flight issue would now be one of "trust, but verify." [redacted]

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End summary.

Miliband Corrects the Record

2. (SBU) Foreign Secretary Miliband took to the floor of the Commons to inform his colleagues that HMG had recently been notified by the USG that, contrary to previous assurances, on two separate occasions U.S. rendition flights had transited through the military airfield at Diego Garcia (see text of Miliband statement at para. 10). Miliband had advised opposition leaders in advance of the content of his statement in an effort, according to his staff, to "build some cross-party trust and limit the surprise." Despite that effort -- and although he was complimented by several Members for quickly informing the Commons -- Miliband faced 45 minutes of tough questioning from MPs, including fellow Labour Party Members. Miliband attempted to focus his answers on the following themes:

- U.S. assurances were given in good faith;
- The USG itself undertook the investigation which revealed the oversight because of its good faith effort to be cooperative;
- HMG in turn reported the correction to the House as soon as possible after the USG informed London of the discovered information;
- HMG will compile a list of all the U.S. flights through

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the UK where HMG has been alerted to concerns regarding rendition and will seek specific assurances from the USG that none of these flights were used for renditions;

- The U.S.-UK relationship is one based on trust and cooperation; our CT cooperation has save British lives;
- The two people who passed through Diego Garcia were not waterboarded or subject to torture, nor were they sent to secret detention centers; and
- The UK continues to uphold a high standard on human rights in its discussions with the United States.

In response to one MP who said the information cast doubt on the value of U.S. assurances, Miliband pointedly replied that he would not conduct his foreign policy on the assumption that the United States, "our closest ally," could not be trusted.

Tough Questions from All Sides

3. (SBU) Tory Shadow Foreign Secretary William Hague gave a statement following Miliband's that focused on the need for assurances that HMG would pursue further investigations to reveal any similar cases and, as did many other MPs, asked what concrete actions the U.S. and British Governments would take to prevent further such incidences. Hague specifically asked that Miliband "impress on the U.S. Secretary of State the importance of ensuring that all agencies of the U.S. Government, not just the State Department, understand the importance of the rules he has reiterated relating to UK law and practice being respected." Hague acknowledged the importance of U.S./UK counterterrorism cooperation, but he noted that the "delay in releasing this information and the evident absence of a request in these cases are bound to undermine public trust in the arrangements we have with the U.S." Hague also took the opportunity to raise the "wider issue of how renditions are used" and allegations that prisoners subject to rendition are subject to torture, telling his colleagues that torture "undermines the moral standing of the U.S. and its allies." He called for the USG and others to adopt a definition of torture that corresponds closely to international norms. Other Tory MPs' questions broadly focused on ensuring that similar oversights (regarding permission beforehand and record keeping afterward) are not repeated.

And Some Rhetorical Jabs

4. (SBU) The Liberal Democrats -- long critical of U.S.

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policy on rendition and detainee policy -- repeated calls for HMG to uphold its own principles against torture and to confront the USG over U.S. policies on human rights, renditions, and Guantanamo Bay. Former LibDem leader Menzies Campbell said, "the truth is this is a gross embarrassment, in spite of its good faith, for our British government, involving as it does a breach of our moral obligations and possibly our legal responsibilities as well." One MP asked how the UK could rely on any Washington assurances given this lapse; another took it a few steps further and inquired as to what was so special about a relationship in which "only one party is truthful."

5. (C) Labour MP Mike Gapes, Chairman of the Foreign Affairs Select Committee and the leader of a Committee visit to Guantanamo in 2006 that resulted in a [redacted] report on conditions there, called for a special investigation into the role of the UK in renditions. In remarks [redacted] he said the United States had "clearly misled or lied to our government, (which) resulted in our government misleading... members of this House." Gapes asked if HMG would now agree to his Committee's previously request for a special investigation on renditions and any HMG involvement in them. Miliband responded that HMG had no role, as it was not consulted on these flights beforehand -- an investigation would be "trying to prove a negative." Another MP underlined that this case indicates the UK has no control over U.S. activities on Diego Garcia, a UK overseas territory.

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PM Brown's Comments

6. (U) Later PM Gordon Brown -- who was not present during Miliband's statement -- told the media, "It is unfortunate that this was not known and it was unfortunate it happened without us knowing that had happened but it's important to put in procedures (to ensure) this will not happen again... We share the disappointment that everybody has about what's actually happened."

Malloch-Brown in the Lords

7. (C) Several hours after Miliband spoke in the Commons, FCO Minister for Africa, Asia and the UN, Lord Mark Malloch-Brown, delivered Miliband's statement on the floor of the House of Lords (the fact Miliband informed the Commons several hours before Malloch-Brown took the floor in the Lords reflects the lesser importance of the Lords in the UK political landscape). The questioning following the

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questions Miliband had earlier faced in the Commons, but Malloch-Brown's response [REDACTED]

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[REDACTED] Many of the Lords' questions equated rendition with "torture" of prisoners; Tory Peer Pauline Neville Jones echoed William Hague in the Commons when she pressed Malloch-Brown on the need for the HMG to press the USG on renouncing torture. Other Peers pressed for assurances about what steps would be taken to prevent a similar occurrence in the future.

8. (C) In his responses, Malloch-Brown, [REDACTED]

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[REDACTED] stressed that HMG's approach would be "trust, but verify." Malloch-Brown told the Lords that the delay in releasing information had been made in good faith, but added that it would be necessary to restore a relationship of trust on this issue over coming months.

Comment

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Text of Miliband Statement

10. (U) Begin Miliband statement as delivered:

With permission Mr. Speaker, I would like to make a statement on US rendition operations.

On 12 December 2005, in response to a Parliamentary Question from the Right Honorable Member for Northeast Fife, the then Foreign Secretary, my Rt. Hon. Friend the Member for Blackburn, updated the House on the subject of Terrorist Suspects (Renditions) stating the following:

"Careful research by officials has been unable to identify any occasion since 11 September 2001, or earlier in the Bush administration, when we received a request for permission by the United States (US) for a rendition through UK territory or airspace, nor are we otherwise aware of such a case".

This was then supplemented by two further statements in January 2006, and a subsequent letter of 6 February 2006 to the Rt Hon Member for Richmond.

In March 2007, then Prime Minister Tony Blair gave an assurance to the Intelligence and Security Committee that he was satisfied that the US had no time since 9/11 rendered an individual through the UK or through our Overseas Territories. In its Report on Rendition on the ISC (on the 28 of June 2007) said 'we are satisfied that there is no evidence that US rendition flights have used UK airspace (except the two cases in 1998 referred to earlier in this report) and that there is no evidence of them having landed at UK military airfields'. The Government welcomed these conclusions in its response to the Report published in July 2007. Parliamentary answers, interviews and letters followed this evidence.

I am very sorry indeed Mr. Deputy Speaker to need to correct these and other statements on the subject, on the basis of new information passed to officials on 15 February by the US Government.

Contrary to earlier explicit assurances that Diego Garcia had not been used for rendition flights, recent US investigations have now revealed two occasions, both in 2002, when this had in fact occurred. An error in the earlier US records search meant that these cases did not come to light. In both cases a US plane with a single detainee on board refueled at the US air base in Diego Garcia. The detainees did not leave the

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plane, and the US Government has assured us that no US detainees have ever been held on Diego Garcia. US investigations show no record of any other rendition through Diego Garcia or any other Overseas Territory or through the UK itself since then.

Yesterday US and UK legal teams discussed the issue, and I spoke myself with Secretary Rice. We both agree that the mistakes made in these two cases are not acceptable, and she shares my deep regret that this information has only just come to light. She emphasized to me that the US Government came to us with this information quickly after they discovered it.

Mr. Deputy Speaker, the House and the Government will share deep disappointment at this news, and about its late emergence. That disappointment is shared by our US Allies. They recognize the absolute imperative for the British Government to provide accurate information to Parliament. I reaffirm the Government's commitment to that imperative today.

We fully accept that the United States gave us its earlier assurances in good faith. We accepted those assurances, and indeed referred to them publicly, also in good faith.

For the avoidance of doubt, Mr. Deputy Speaker, I have asked my officials to compile a list of all the flights where we have been alerted to concerns regarding rendition through the UK or our Overseas Territories. Once this is ready we will be sending this list to the US and seeking their specific assurance that none of these flights were used for rendition purposes.

Mr. Deputy Speaker, our counter-terrorism relationship with the United States is vital to UK security. I am absolutely clear that there must and will continue to be the strongest possible intelligence and counter-terrorism relationship with the US, consistent with UK law and our international obligations. As part of our close co-operation, there has long been a regular exchange with the US authorities, in which we have set out:

- (i) that we expect them to seek permission to render detainees via UK territory and airspace, including Overseas Territories;
- (ii) that we will grant that permission only if we are satisfied that the rendition would accord with UK law and our international obligations; and
- (iii) how we understand our obligations under the UN Convention Against Torture.

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Mr. Deputy Speaker, Secretary Rice has underlined to me the firm US understanding that there will be no rendition through the UK, UK airspace or Overseas Territories without express British Government permission.

The House will want to know, Mr. Deputy Speaker, what has become of the two individuals in question. There is a limit to what I can say, but I can tell the House the following. The US Government has told us that neither of the men was a British national or a British resident. One is currently in Guantanamo Bay. The other has been released. We have asked for assurances about the subsequent treatment of both men. The House will know the British Government's long-standing position is that the detention facility at Guantanamo should be closed.

Mr. Deputy Speaker, my officials and their US counterparts continue to work through all the details and implications of this information. We will keep procedures under review to ensure they meet the standards we have set. I will of course keep the House updated.

End Text of Statement.

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